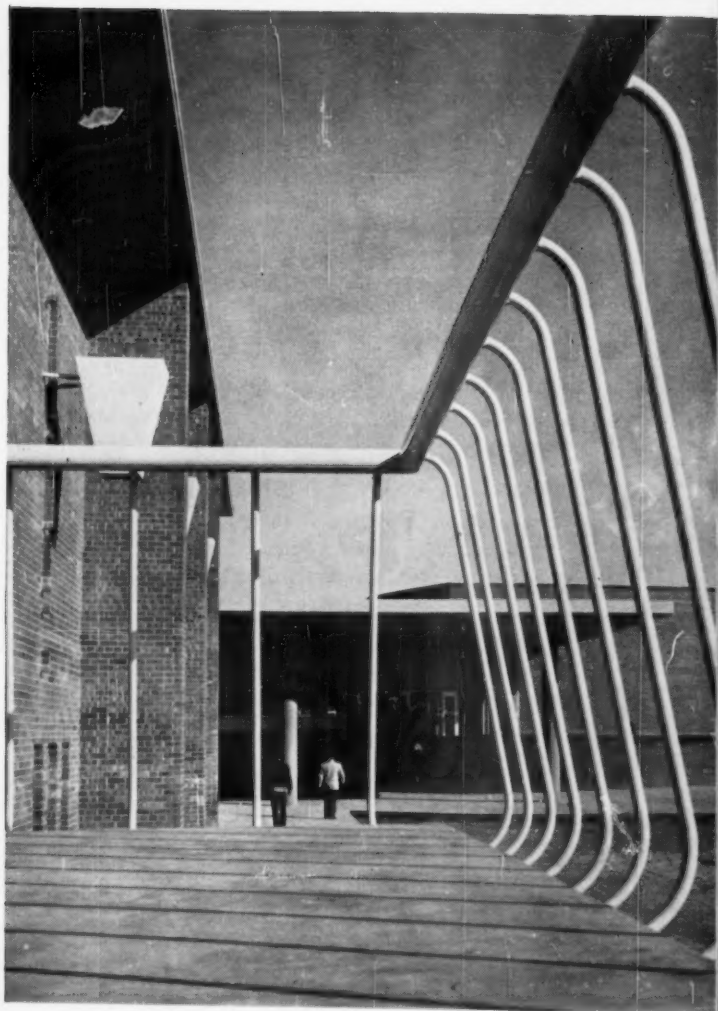


Arizona **TEACHER**

October, 1957

*The Teacher's Contract—
A Piece of Paper?*
Page 13



It's Not Too Early **for your students in High School to be thinking about College**

In only a few months your present class of seniors will be faced with making its after-high-school plans. The decisions that will be made then can very well be carefully evaluated now.

As teachers, we are all obligated to help our students realize the most and the best from the endowments of their school training. You can do more than any one to help your students take the right path into the future when they leave your classroom. One may go to a job. Another may go to a college. The teacher has done his job well if he has helped influence each to make the right decision.

Recently a large electrical company quizzed the thousands of college graduates numbered among its employees, asking them to evaluate the benefits they had received from their years in college. They were overwhelming in their praise of a broad, general education which pays off in vocation, culture, recreation, and good citizenship—the sort of education that tends to make people happier and more resourceful.

We have at Arizona State College at Flagstaff a good liberal arts offering as pre-professional training. For those students who need to be strengthened in one or more phases of their educational preparation before entering specialized studies, we have good remedial programs.

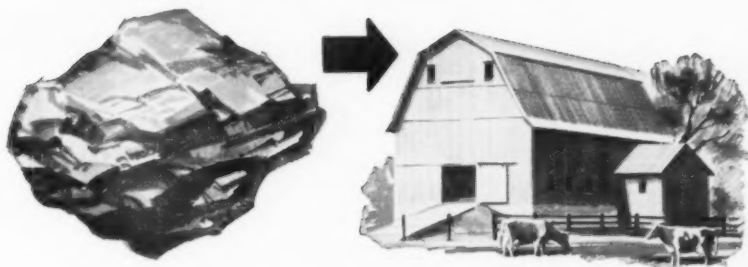
Then too, you and we are justified in a full enjoyment of professional pride. Tremendous opportunities are offered today by the teaching profession. Isn't it our and your responsibility then to advise top students to enter our profession?

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ARIZONA STATE COLLEGE **FLAGSTAFF, ARIZONA**

**It's not too early to think about and plan for today's youth.
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Zinc is a valued friend of other metals. As a coating or galvanizing material, it protects iron and steel from rust. Zinc added to copper forms the sturdy alloy, brass. Alloys containing zinc are used in thousands of products from buckles to battleships. From crude ore through many stages of processing, zinc travels from place to place with the help of dependable, economical railroad transportation.



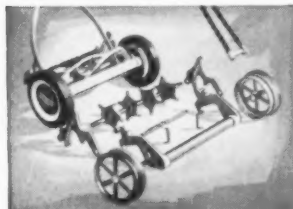
Drills called "Drifting Jumbos" tunnel through layers of zinc ore. Railroads carry this crude ore to smelters where the pure zinc is extracted. A large mill can process 10,000 tons of ore a day.



Zinc concentrates are then loaded into hopper cars and sent to mills for conversion into slabs or sheets. The slab zinc is graded and shipped to many kinds of processing plants.



Galvanizing or zinc-coating is one of the largest uses for zinc. More than two million tons of galvanized sheets are produced each year — much of this output going to the roofing industry.



Everywhere you look there's zinc. Autos, machinery, appliances, wire fencing — all contain this versatile metal. And zinc is used in making paper, paints, and rubber products.

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**Association of
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tion provides ample legroom for all — including largest students. AMEREX® plastic top is 5 times more wear-resistant than wood tops.

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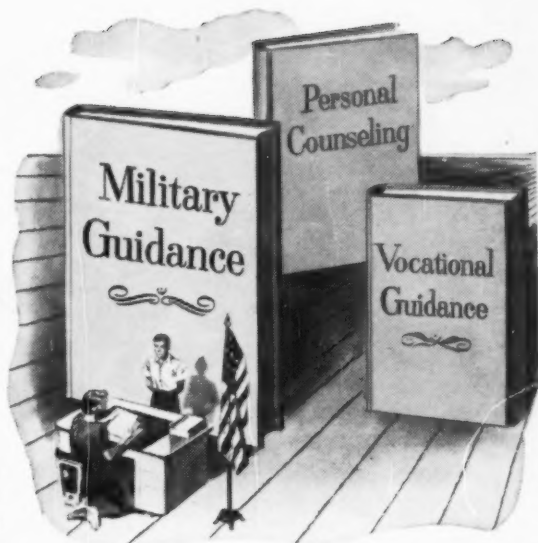
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TEACHERS:

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meeting
the student
need for
military
guidance?**



TODAY, more than ever, the thought of military service is paramount in the minds of your students. Faced with a bewildering array of facts and conflicting alternatives, these young men often need expert help in reaching a service decision that is compatible with their own future plans. For this reason, leading American educators regard an informed program of military guidance as indispensable to the modern counseling job.

In supporting such a program at *your* high school, you will be benefiting both your students and your country. To help you with this added obligation the United States Army offers the following aids:

- 1 Assistance in the formulation of a Military Orientation Program.** If your high school does not yet have a military guidance program, contact the Army Representatives at the Army Recruiting Station in your area. They will be happy to show you how such programs have operated at other schools.
- 2 Film for showing to Students or School Community Groups.** "Prepare Through Education" (16-minute film which portrays problems of high school youths about to enter service and advice given them by their counselors) may be obtained free of charge by contacting your nearest Army Recruiting Station or by writing to:
The Adjutant General, Department of the Army
Washington 25, D. C. Attn: AGSN-P
- 3 A complete library of Guidance Materials.** The Army offers a wide range of informational literature to aid in your military counseling. These include reference works for teachers and booklets for parents, as well as materials for the students themselves. To obtain this literature telephone your local Army Recruiting Station or fill out the coupon below.

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Department of the Army
Washington 25, D. C.
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Please send me the booklets I have checked. I understand that I also can obtain additional booklets for my students by writing to the above address or contacting my local Army Recruiting Station.

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(Teacher military orientation reference booklet)
☐ Helping Youth Face the Facts of Military
Life—(Teacher pamphlet on the need for
military orientation)

- ☐ Army Occupations and You—(Teacher
reference booklet on Army occupations)
☐ This . . . Is How It Is—(Student book-
let describing Army life)

- ☐ Reserved For You—(Student booklet de-
scribing Army job training opportunities)
☐ Pathway to Maturity—(Parent booklet
describing the psychological benefits of
Army service)

Name _____ Address _____

City _____ State _____ High School _____ Position _____



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There's no mistake about it, whatever the occasion, there's just no substitute for the good taste of Coca-Cola. To refresh yourself for work or fun . . . to refresh your taste for snacks or meals . . . your own good taste feels the satisfaction of always having Coca-Cola in the house, ready to enjoy, ice-cold.

SIGN OF GOOD TASTE



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FALL, 1957

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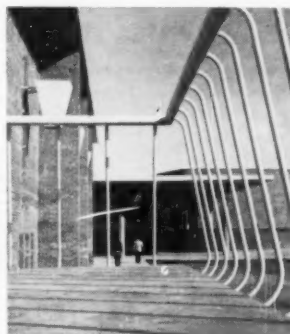
October, 1957



OFFICIAL PUBLICATION OF
THE ARIZONA EDUCATION ASSOCIATION

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Our cover shows one approach to Tucson's Catalina High School. Even a limited view gives an idea of the studied simplicity of this new school plant.

Our scene will become one of bustling activity when more than 5000 teachers begin registering for the AEA Statewide Convention Nov. 8-9.

EDITORIAL AND BUSINESS OFFICE: 8636 N. 15th Ave., Phoenix.

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discusses bacterial characteristics with graduate students.*

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Editorial Comment —

Is It True?

By J. N. Smelser

There is a great deal of mental pleasure in speculating upon how we got into the shape we're in; but if ten honest and informed people should sit down alone for ten days and remember, read, and think all day each day, each would probably come up with ten different causes, all the way from cerebral infection to the tricks of the Devil. The value of speculation isn't to be found in the truth of its outcome, but in its pleasurable stimulation of self and others.

Nevertheless, people will continue to look upon their speculations as the only path to true cause and eternal verity; and they will expect those in ear-shot to not assent with a glow of new vision upon their faces, besides. With this sorry attitude toward speculation, let's do a little speculation on our own.

J. Krishnamurti, in his "Education and the Significance of Life", observes, "The urge to conform breeds fear and brings to the fore the political and religious authorities, the leaders and heroes who encourage subservience and by whom we are subtly and grossly-dominated. By conforming, we become mediocre imitators and cogs in a cruel social machine."

Is There Evidence?

Is there some evidence in the U.S.A. that the "mad age of McCarthyism" has left its nasty tracks?

In September 19 "Time", a brief account is given relative to student and teacher opinion at Northwestern University and the University of Wisconsin. McGinnis and Mack (authors of the study,

from Wisconsin and Northwestern respectively.)

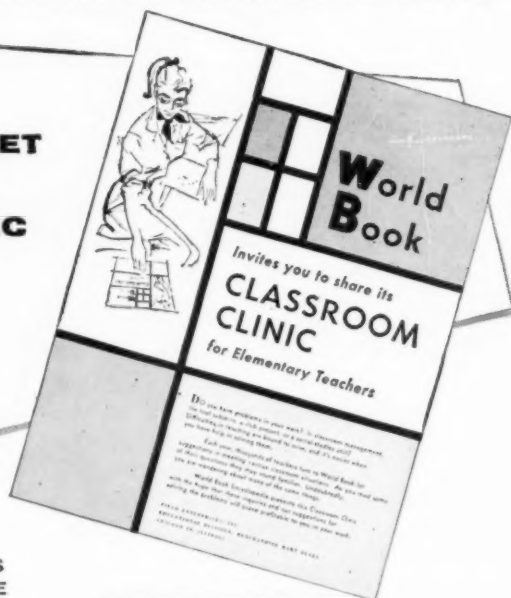
The questionnaires revealed that "more than seven students out of ten at each University would deny the accused person the right to confront his accuser. More than four out of twelve believe that there are situations where star-chamber proceedings are preferable to a public trial. About four in every ten believe there are groups to whom the right of peaceful public assembly should be denied. Teachers give answers remarkably similar to those of the students sampled. Three out of four believe there are circumstances in which an individual should be subject to double jeopardy. More than four in ten would deny the individual the right to a public trial, to due process of the law, or to freedom from excessive bail and fines."

In the September 21 "Saturday Evening Post", parent John Keats writes, "We think the schools have failed because they have not asked the children to think. . . . Our high school teaches English to College Preparatory Students in terms of "How to". Children learn *how to* write letters; *how to* use the library; *how to* make a speech; *how to* carry on a conversation; *how to* listen; *how to* tell a poem from a story. Nowhere do our children get the idea that English is a disciplined means of expressing thought. Making a speech is being relaxed and speaking slowly and clearly. Nowhere do our children learn

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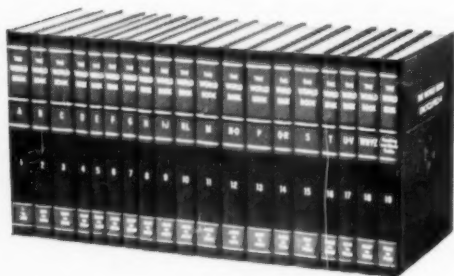
ANOTHER SAMPLE OF WORLD BOOK'S SERVICE TO TEACHERS

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"CLASSROOM CLINIC
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- "Do you have suggestions for making my sixth-grade reading classes more effective?"
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The Organized Profession Enters Its Second Century

The Keynote Address of the Flagstaff Conference



C. A. Carson

NEA Director

for

Arizona

A little over one hundred years ago, Horace Mann crusaded for the establishment and support of the public schools. At the same time that Mr. Mann, in his various capacities, was endeavoring to convince the American people of the need for public education of its citizens, the National Education Association was founded. Forty-one gentlemen and two ladies held an organizational meeting in Philadelphia in 1857. From this humble beginning, the National Education Association has increased until now — in the year 1957, there are over 703,000 members.

Membership Goals

In 1952, the National Education Association adopted the Centennial Action Program, setting up goals for each state, and assigning quotas to each for the financing of a new headquarters building. Arizona has met its obligations in every respect, having attained our membership goal by enrolling approximately 92% of our teachers in both state and national associations, and by contributing above our quota toward the new building.

At Philadelphia, delegates voted to expand our program by increasing the dues,

thus making additional revenue available. As we face the future, this expanded program will allow us to emphasize the achievement of an additional goal, — improving the *quality* of education. We recognize that complex problems are involved in the improvement of education, but our organization must again take the leadership in helping our nation solve such problems.

Support of the Schools

We must, first, face the question of financial support of the schools. Since we compete with other governmental agencies (for the tax dollar), whether it be for ordinary government expenses, for defense, for highways, for sewers, or for water; it is our paramount duty to see that education has priority. We believe this country of ours has become great because of our free public schools. We are the only nation on the face of the earth that has carried on the experiment of educating all of its citizens!

In attempting to improve the quality of education we must remember that the classroom teacher bears the most responsibility. In order to improve teaching, we must attract to the profession the finest people available; we must be willing to set up the training program most efficient to develop the individual for his particular position; sufficient monetary consideration must be provided; and the status of teachers in our society must be improved.

Second Century

As the National Education Association enters its second century, let us examine what has been done, and what increased

Turn to page 19



*the "spirit of
735"...*

*the 735 recorded songs in
the Ginn music series*

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18 albums containing 735 spirited, sprightly tunes that are delighting children across the country. These records are invaluable supplementary material for the Our Singing World songbook series. One album for Kindergarten, two albums for each grade through grade 8, one album for Grade 9. Each record demonstrates the proper interpretation, tempo, etc., for many songs appearing in the songbooks.

Also Available: 3 **Let's Sing** records for the first 3 grades containing specimen lessons based on songs in the books. You'll see more spirit, more spontaneity in your classroom when you employ Our Singing World records.

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2550 Hanover St., Palo Alto

The Look Ahead

By James A. Elliott

How do we look ahead? Many anxious to learn of the future have consulted the crystal ball — but our looking ahead must be more concrete. Facing this thought, we must realize that ours is a task of preparing our pupils to meet the unknown of *their* future. Our aim must be a firm foundation built on a strong faith in God, an unshakable trust in democracy and our American way of life, ideals that are high and indestructable, morals that are unwavering, and the preparation necessary to fill successfully a specific place along life's way. As educators of the American Youth, we must face this as our task. No future can triumph without strong principles. The future then will be *our* reflection. Have you and I established a background sufficiently tempered to withstand demands of this challenge?

Defend and Lead

Today, education is being challenged from many sides. Our methods are being condemned, qualifications of teachers questioned, cost of instruction publicized, the method of paying salaries criticized, with the demand for merit pay scales and the curriculum itself being laughed at in many quarters. We, as educators, know that most of these criticisms are not valid

EDITOR'S NOTE:

This talk concluded the Leaders Conference at Flagstaff. There has been so much demand for it that we asked Mr. Elliott for permission to reprint it.

October, 1957

Makes Clear Our Task— Preparing Our Pupils For Their Future

and are without foundation. But as educators we cannot stick our heads in the sand. We must face up to the challenge of our profession—admit when we are wrong, defend and lead where we are right.

Let us examine some of the problems that confront us now. We are all aware of the present classroom shortage and its continued forecast. Educators must provide leadership to organize citizen groups on the local level to attack the building problem.



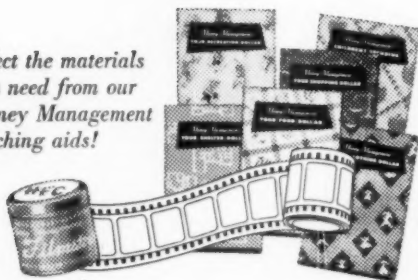
James A.
Elliott,
President
Arizona
Education
Association

In Arizona, the AEA in conjunction with the PTA has been instrumental in bringing about the organization of the Arizona Council on Education. This Council has grown steadily and now includes many prominent groups. It is well on its way to becoming an effective instrument for the dissemination of information concerning Arizona's grave financial problems. With the continued growth of this organization, and the organization and the development of effective local citizen groups, we shall be able to meet the pres-

Turn to page 17

YOU CAN MAKE MONEY MANAGEMENT A DYNAMIC PART OF YOUR TEACHING...

Select the materials
you need from our
Money Management
teaching aids!



• **12 booklets** covering the basic areas of individual or family spending such as: shelter, equipment, shopping, home furnishings, automobiles, food, clothing; children's, teen-age, and family spending plans. Each booklet is attractive in design, interesting in content, and completely authoritative.

• **5 dramatic filmstrip lectures** available on free loan for one week. There are color filmstrips on food, shopping and clothing, plus black-and-white treatments of budgeting and consumer credit. Each 35-mm. filmstrip comes complete with lecture for you to read as pictures are shown.

Wise handling of money is something that has to be taught young people, and, once learned, can make a big difference in their adult lives.

You can integrate money management into your classroom teaching by stimulating discussions related to students' own finances, letting students share in the planning of class budgets, including buymanship information, and stressing the importance of establishing goals for all of their spending.

Send today for free folder which describes HFC's Money Management program of booklets and filmstrip lectures—the result of 27 years of educational activity.

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The Teacher's Contract— A Piece of Paper?

By Dix W. Price

Two young ladies, who were twin sisters, were employed by the No-Frill School District as teachers. Teacher "A" was given a written contract, but her charming sister, Teacher "B", was late in arriving at school due to her summer modeling job in the city. When she arrived, she was permitted to teach, but the Board decided not to give her a written contract.

Question: Which twin has a contract?
(Answer to be developed herein).

Contracts in general have been defined by the United States Supreme Court as "agreements between two or more persons to do, or not to do, certain legal acts".⁽¹⁾ The contract that thus binds the parties may be in writing, it may arise by operation of law, or it may be established with certain limitations upon oral promises or statements. It is elementary that the two-way *obligation* between the parties is the contract; the piece of paper upon which it is recorded is a mere indication, or proof, of the contract. We should not fall into the semantic pit of assuming that the name is the thing or that the paper we call the contract is actually the agreement. It was similar misleading reasoning that prompted the little girl to say, "Pigs are

(The above treatment of teacher contracts was to be presented to the AEA Leader's Conference in Flagstaff during the summer by Dix Price, AEA Attorney. Due to illness, he was unable to meet the appointment and the Editor requested that Mr. Price reduce his notes to this article for our readers.)

rightfully named because they are such dirty creatures".

When a teacher is employed by a school district, there is usually a signed written agreement. Such is good and fair business practice. In fact, the laws of many states, including Arizona, require written teacher contracts.⁽²⁾ However, if, for some reason, the contract is not reduced to writing, a binding contract can still exist. In an Arizona case, our Supreme Court has said that, by permitting a teacher to teach and by paying him over a period of time, the Board has ratified the agreement. By implied acts it has affirmed that which it cannot later deny, the Court saying:

"It is only because of the unfairness of permitting the school district to accept the employee's labor and services and the benefits thereof without compensating such employee that the doctrine of ratification is allowed to be invoked."⁽³⁾

Hopkins vs. Tempe High School District

In a more recent case, *Hopkins v. Tempe High School District*, the Arizona Court has established that, under the Tenure Act, the annual contracts of the teacher after the first year arise automatically *by operation of law*, if termination notice is

1. *Sturges v. Crowinshield*, 4 Wheat. US, 122

2. 15-443, Arizona Revised Statutes

3. *School Dist. No. 6, Apache County v. Whiting*, 79 Pac., 2nd., 959

Turn to page 20

General Sessions, Friday, November 8

Dr. John Harvey Furbay, America's "Non-stop, Air-borne Orator", will address the First General Session in the Boys' Gym at 10 o'clock sharp, Friday morning, November 8. Music by a concert band and the Tucson Little Symphony will introduce the program.

The Second General Session will open with a concert by the All-State Orchestra. The orchestra will have as its guest Arizona's outstanding Flamenca dancer, Lydia Torea accompanied by Benito Palacios, Mexico's top Flamenco guitarist.

The Hon. Henry Fountain Ashhurst, former senator from Arizona, will be the guest speaker.

Of Special Interest

Registration and exhibits will be open to the Tucson area teachers from 3:30 P.M. to closing time Thursday, November 7th. The public is invited to visit the exhibits Thursday evening and to listen to a band concert in the patio.

Coffee and snacks will be available Thursday and Friday. Lunch will be served in the cafeteria Friday from 11:30 A.M. to 2:00 P.M.

It is estimated that there will be parking for about 1200 cars on and around the grounds of the high school.

The State Department of Public Health has made its services available to the teachers during the convention. The X-Ray Mobile Unit will be stationed on the Catalina High School grounds and X-Rays will be available during the following hours:

Thursday:

4:00 P.M. to 9:00 P.M.

Friday:

8:00 A.M. to 10:00 A.M.

12:00 Noon to 2:00 P.M.

4:00 P.M. to 6:00 P.M.

Saturday:

8:00 A.M. to 12:00 Noon



John H. Furbay

1957 Conven

— Th

"Education -- Th

Area Meetings

1: "The Challenge of the Gifted," Mrs. Mary M. Pilch, Foundation Consultant, Student Development Program, St. Paul Public School, St. Paul, Minnesota.

2. "Communications in the Years Ahead," Lawrence Martin, Associate Editor of the *Denver Post*.

3. "The Educated Man in the World of Automation," Dr. H. R. J. Grosch, Educational Consultant, General Electric, Arizona State College, Tempe.

4. "Firing the Educational Furnace," Kenneth McFarland, Educational Consultant for General Motors, Topeka, Kansas.

5. "Fitness for Modern Living," Arthur H. Steinhaus, Professor of Physiology, George Williams College, Chicago.

6. "Let's Join the Human Race," John Harvey Furbay, Director Air-World Education, Trans-World Air-Lines.

Arizona Teacher



Henry F. Ashurst

tion Program

eme —

e Next 100 Years"

-- November 8

7. "Perspective for Living," Stanley Chapple, Head of Fine Arts Department, University of Washington, Seattle, Washington.

8. "The Teacher of the Future," Arthur Corey, Executive Secretary, California Teachers Association, San Francisco, California.

9. "Vocations Tomorrow," William R. Mason, Vice-President, Industrial Arts Education, Department of the American Vocational Associations, Inc., Washington, D. C.

Closed circuit T-V demonstrations Friday afternoon. AEA Departments and the FTA banquets are scheduled for Friday evening.

On Saturday there will be the tenth area meeting, a workshop on puppets with Mrs. Marjorie Batchelder McPharlin.

October, 1957

ALLIED ORGANIZATIONS

Saturday, November 9

AUDIO VISUAL: 9 A.M., John B. Wright School.

BILINGUAL CHILDREN: 9:30 A.M., Auditorium, Miles School, 1400 E. Broadway, Demonstrations, exhibits, business meeting.

BUSINESS EDUCATORS: 8:30 A.M., The Bird Cage Room, Tucson Inn's Bagdad — Registration 8:30-9, Panel Luncheon.

EDUCATIONAL SECRETARIES: 9:00 A.M., Blenman School, Program.

ENGLISH TEACHERS: 9 A.M. All-purpose room, Ft. Lowell School.

ELEMENTARY SCHOOL ADMINISTRATORS: 10 A.M.-12 Noon, Jefferson Park Auditorium, East Seneca Street at Martin, Program & Business meeting, election of officers.

EXCEPTIONAL CHILDREN, WOMEN DEANS AND COUNSELORS, PERSONNEL AND GUIDANCES: 8 A.M. Cafeteria, Tucson Senior High School, 8 A.M.-9:45 A.M. Breakfast and program.

FOREIGN LANGUAGE: 10 A.M. Room 355, Student Memorial Bldg., University, Registration, business meeting, address, 12 Noon-1 P.M., Luncheon, Jr. Ballroom, Student Union Bldg.

GIFTED CHILDREN: 9 A.M., Business meeting, 10 A.M.-12 Noon. Joint meeting Elementary Administrators, Jefferson Park Auditorium.

HEALTH, PHYSICAL EDUCATION & RECREATION: 9 A.M., Doolen Jr. High, Country Club Road and Grant Road. Business meeting, election, speaker.

HOME ECONOMICS: 8 A.M., Joint breakfast with Industrial Arts—Luncheon, Student Union Bldg. Meeting before lunch at 11 A.M. in Drama Auditorium on Olive Rd., University of Arizona.

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Professional News and Notes

YOUNG AMERICAN COLLEGE GRADUATES will have a chance to study in France under the Fulbright Scholarship Program for 1958-59 of International Education. Competition for these awards has opened and candidates can apply between now and next November 1.

COUNTRIES IN WHICH GRANTS FOR Graduate study are available under the Fulbright Act are Australia, Austria, Belgium, Burma, Chile, Denmark, Finland, France, Germany, Greece, India, Israel, Italy, Japan, the Netherlands, New Zealand, Norway, the Philippines, and the United Kingdom. In the Asian countries, Burma, India, Japan, and the Philippines, as well as in Greece, mature candidates are preferred.

THE VALUE OF SCHOLARSHIPS AVAILABLE to undergraduate college students increased almost $2\frac{1}{2}$ times in a recent five-year period, so reports the Office of Education, U. S. Department of Health, Education, and Welfare.

A SURVEY SHOWED THERE WERE 237,000 scholarships valued at \$65.7 million in 1955-56, compared with 124,000 scholarships worth \$27 million in 1950-51, when the last previous study was made.

ALEXENDER SCOURBY, Distinguished television, stage and motion picture actor, will host a series of programs on Greek Mythology to be presented this fall by the National Broadcasting Co. and the Educational Television and Radio Center.

FORTY-THREE REPRESENTATIVE MEN AND women of Arizona have been named to an honorary advisory board for the "Who is

Who in Arizona" scheduled for publication in the late fall.

Selection was based on several hundred interviews the past three months, with emphasis on professional and geographical areas of the State. A record of public service was an added attribute required. Educators listed in this group are: Miss Grace Carson, Douglas Teacher, and Jess G. Hayes, Gila County School Superintendent.

IN THE SEPTEMBER 21 ISSUE OF THE *Saturday Evening Post*, the 6-page feature entitled "Are The Public Schools Doing Their Job?" represents some very effective public relations by members of the NEA staff.

THE *Post* FEATURE IS A MAJOR achievement in the expanded NEA public relations program this fall, "Are The Public Schools Doing Their Job?" reached newsstands and subscribers with a circulation of more than 5 million copies. Value of six pages, according to current *Post* advertising rate card: \$103,840.00.

THE CBS TELEVISION NETWORK SHOW OF September 8, a panel discussion by Commissioner Derthick, Dr. Corey, Dr. Hickey and NEA President Ginger (NEA News, Sept. 20), has opened the door to some interesting possibilities. Magazine and TV people have requested leads to local communities that have developed good teacher-community relationships leading to high teacher morale, prestige and holding power. It is apparent that they are interested in giving some publicity to the idea of helping to meet the teacher shortage by community activities that gives recognition and shows appreciation to the teacher.

Look Ahead

(from page 11)

ent and future educational crises in our state.

What part must our professional organization play in promoting the improvement of education in Arizona? We must all work side by side with all segments of the population in order to provide adequate educational facilities for our children. This necessitates our using every available media to publicize the needs of education. Each local must do likewise. This mass dissemination of information will necessarily begin with the classroom teacher. His every action will be interpreted by the public as favorable or detrimental to the cause of education since he is closest to the child.

Merit Rating

Here I wish to refer to some comments made in the July 15, 1957 issue of *Newsweek Magazine* regarding merit rating: Page 92 . . . "In Cincinnati, for example, the school board has indicated it will refuse to boost the whole salary scale a dollar higher unless good teachers are especially rewarded." Assistant Superintendent Wendell Pierce of Cincinnati speaking for merit rating. "May I remind you that you rate children every day, sometimes viciously and hurtfully?" Superintendent Martin W. Essex of Akron warned teachers that "Boards want merit pay and they're going to hire administrators who will support the idea." To me the most significant thing in the above quotes is that part which says school boards are going to hire administrators who will support merit rating. I am left with the impression that present administrators who do not go along with merit rating will be discharged and replaced by those who are willing to do anything that will enable them to become administrators. Further, that school boards are more interested in cutting teachers' salaries or

Turn to page 18

October, 1957

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Booklet, described, SPACE FRONTIERS, UNLIMITED—projects and SOUND EFFECTS RECORD (standard 45 RPM; unbreakable) write BRUCE MILLER, Box 369, Riverside, Calif. Send name, address and \$1 ppd.

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Look Ahead

(from page 17)

holding them stationary, rather than having a wholesome educational program in their school.

We are all aware of the pressing tax situation in our state. As a result of this situation we are facing the threat of merit rating for teachers. Dr. Roy Rucker of the University of Arizona presented to us during this conference an alternative for merit rating. His alternative would be a plan for self-evaluation. While he did not recommend his plan as a cure-all, he did present us with a workable substitute for merit rating. The success of this program would depend upon the cooperation of the teachers and the school administrators. We have been shown the way — now it is up to us to put into effect a workable evaluation program.

Tenure Law

At the present time there are those who feel that inferior classroom instruction is due to the Tenure Law. Let it now be said that the Tenure Law in itself is innocent of such charges. We must face the fact that there are some in our ranks who are "9 to 4" teachers. The probable cause of much poor classroom instruction is not the Tenure Act but the law of teacher supply and demand working hand in hand with inadequate salaries. The group within our profession that chooses to work by the time clock must mend its ways or we may all find ourselves working at an hourly rate rather than on a professional salary.

This unprofessional attitude by a minority in our profession can only be corrected by a strict policing of our ranks in a professional manner. Perhaps the professional certificate we have been discussing in this Conference would be one means of correcting these attitudes.

Monday evening our good friend, Charlie Carson, painted a vivid picture of

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Arizona Teacher

Second Century

(from page 9)

services we may look forward to.

A few years ago, we recall that many magazines printed articles very critical of the public schools. Through the influence of the National Education Association, a joint committee of magazine publishers and NEA representatives, was formed. Adopting the motto, "*Attack the Problems, Not the Schools*," this committee has functioned very effectively during the past three years. Membership of the committee is now being increased to include a larger segment of publishers and NEA members. We have done some work in the field of radio and television, but under the expanded program, the NEA now has in New York City a full-time person working with the major networks. Some of the results of his efforts we will see during the month of September. This kind of public relations work by the NEA has created a climate which has made possible much of the progress in salaries and other support of education.

Mason Bill

In the field of legislation and state relations, we are expanding to give states, as well as the national legislative bodies, additional help in support of school legislation. Most of the credit for the passage of the Mason Bill can be given to the NEA. This piece of legislation, exempting \$1500 of retirement income from federal income tax, will save most of us more in our first year of retirement than we have paid in NEA dues during our teaching career.

The expanded program will also allow the Legislative Commission to help state education associations. In order to bring the NEA to local members more realistically, there will be an increase in field operations and membership promotion. We can only make progress in our schools to the extent that the public is fully

Turn on page 24

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Teacher's Contract (from page 13)

not given the teacher by March 15th. This landmark decision in Arizona School law said:

"Not having complied with the statute relating to notice of termination of plaintiff's contract . . . , her contract was automatically renewed on March 15, 1952, by operation of law. There remained only the ministerial act of reducing to writing her contract of employment for the ensuing year."⁽⁴⁾

This doctrine clearly illustrates that *the contract is not the piece of paper*. The mere ritual.

Implied Provisions

To illustrate further that the agreement extends beyond the paper upon which some of its details are written, it is pointed out that certain unwritten provisions are applicable and binding. Such are called implied provisions — responsibilities on both sides that may be reasonably inferred. For instance, all School Board regulations, unless totally unreasonable in nature, are adopted in the contract and must be complied with by the teacher.⁽⁵⁾ To violate such would breach the contract upon grounds of insubordination. Thus, if a sick leave policy of the Board has been made the subject of a rule, and such should be, then the sick leave schedule is an implied part of the contract to the benefit of the teacher.

An additional element of the contract worthy of mention is its mutuality. There must be mutual assent of the two parties that sets in motion a right in each to performance by the other. The School Board has a legal right to the services of the teacher; and the teacher, having taught, has the legal right to his compensation. Also, upon failure to observe the contract,

4. Tempe High School Dist. v. Hopkins, 562 Pac., 2nd., 387

5. 47 American Jurisprudence, p. 377

there arises a punitive right to the offended party. If a teacher is prohibited from the opportunity to teach by an improper dismissal or other action of the Board, he is entitled to damages to the extent of the salary involved. (However, he should not idly stand by, but should show good faith by attempting to secure a teaching position elsewhere; and, if successful, his damages are the loss in the difference of the two salaries, if any.) If the teacher violates the agreement, he may be dismissed immediately (for serious reasons) or may be precluded from returning the following year for good cause (discussed later herein).

Thus, inherent in the concept of contract, there are dual rights and resulting responsibilities in both parties. A contract cannot be a one-way street. It is axiomatic in the law that "for every right there is a responsibility." As the Board has the implied responsibility to provide proper facilities for the teaching process, the teacher has the duty to teach in a good manner for the entire year. An untimely resignation would be improper. In fact, teacher resignations during a school year and 30 days prior thereto are made the grounds for possible action against the teacher's certification.⁽⁶⁾ A sudden resignation, even upon some provocation, might be an unprofessional act that would hamper or even preclude a later enforcement by the teacher of the contract. This is known in equity law as the doctrine that he who asks the Court for equity must come with "clean hands".

"Good and Just Cause"

Under Tenure Law, the teacher, in effect, has the right to end the contract relationship at the end of any school year. A teacher could not be required to teach, if he did not wish to do so, without our

Turn to page 22

6. 15-258, Arizona Revised Statutes

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Teacher's Contract (from page 21)

courts resorting to involuntary servitude, which is repugnant to the law. However, the School Board may not end the contract of a tenure teacher at the termination of the school year unless it gives the notice required and makes a showing of "good and just cause" for dismissal. This catch-all reason is recited in the Arizona Tenure Law and is coming more and more into clear definition as Tenure dismissal cases find their way into the Courts. Reasons for proper termination of the teacher's contract under this concept have been held to be:

Refusal to keep good discipline after warning;

Personal behavior in public places;

Refusal to reside in school district after reasonable notice (2 years);

Refusal to take ability tests;

Repeated absence without permission;

Encouraging a student to evade Selective Service;

Using school facilities for profit venture; and

Refusal to teach assigned grade or class.

Real and Not Fanciful

On the other hand, Courts have been emphatic that "good and just cause" must be real and not fanciful. It must be a cause that relates to the teaching function and quality and the effect upon the students. Cases have held that the following grounds were insufficient:

Non-residence in district where no rule required such;

Failure to hold a certain degree where no rule;

Assertion of right to pay raise made in public;

Fear of future conduct of the teacher;

Dissatisfaction of parents;

Arizona Teacher

- Candidacy for public office where no rule;
- Marriage where rule contrary to public policy; and
- Two absences with reasonable reasons.

Membership in a subversive organization, or one listed by the United States Attorney General, has been held good cause for dismissal in New York and Pennsylvania cases. The reasoning in these situations seems to be that, although the activities are outside the school, the effectiveness of the teacher is diminished. Also, it is interesting to note that in a recent case, also in New York, refusal of a teacher to waive immunity in appearing or testifying before a court or legislative committee was construed as good cause for dismissal.⁽⁷⁾ The foregoing case examples give an idea of the overall concept and are taken from a cross section of litigation in the states of New York, Pennsylvania, Indiana, New Jersey, Illinois, Ohio, and California.⁽⁸⁾

Credit To Our School Boards

In Arizona, no cases involving dismissal for good and just cause have been taken to the Supreme Court. (Several cases concerning interpretative and procedural provisions have been passed upon by our high tribunal.) It bespeaks credit for our School Boards and teachers alike that they have worked out their own problems in this regard without imposition on the judiciary. This is in contrast to some other states, such as California and New York, where hundreds of teacher-Board cases are litigated every year. However, if in the future our Arizona Supreme Court is called upon to interpret the concept of "good and just cause," we may assume

Turn to page 27

7. Koral v. Board of Education, 94 NYS, 2nd, 378 and Goldway v. Board of Education, 37 NYS 2nd, 34

8. 47 American Jurisprudence, 396 and 78 Corpus Juris Secundum, p. 1078-1083.

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Second Century

(from page 19)

aware of the needs of the schools. Therefore, increased effort will be placed in the field of lay relations, not only in the number of joint committees working with the PTA, American Legion, school boards, etc., but in helping local schools with public relations in their respective communities.

Salary Consultant

The NEA has rendered great service to the teachers of the nation through its welfare program. Work on salaries, tenure and retirement, will be intensified under the expanded program. Already at the leadership conference in Flagstaff, Arizona has had the benefit of the services of the salary consultant of the NEA.

The Commission on Teacher Education and Professional Standards has been do-

ing an exceptional job in encouraging not only the profession, but also the teacher training institutions, to improve teacher education. The accreditation board, now being set up to approve teacher training institutions, may prove to be one of the finest things that the NEA has done.

This is but a brief picture of the many areas in which the National Education Association has worked actively in the past 100 years to bring about improvements for both students and members of the profession. We anticipate that the expanded program will allow our professional organization to intensify its efforts.

As we face the future, I think we can all agree with Horace Mann, "If ever there is a cause, if ever there can be a cause, worthy to be upheld by all, of toil and sacrifice that the human hand or heart can endure, it is the cause of education."

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This is Your column. It contains offers of educational materials. Order items before supplies are exhausted. Write directly to the advertiser — or use the coupon on page 27.

1. *Booklet "Space Frontiers Unlimited With Classroom Trip to Moon"*, including a five minute recording of authentic rocket flight, offers exciting "space tour" projects for the classroom. Chapters include visual aids, suggestions for dioramas, models, directions for making classroom space ship helmets. Cost of booklet and record \$1.00. Send money with coupon. No C.O.D.'s (Bruce Miller)

3. *Facts about writing short paragraphs for profit.* (Benson Barrett)

7. *Classroom Clinic for Elementary Teachers.* World Book invites you to share its Classroom Clinic on a wide range of subjects, including Social Studies, Science, Classroom Activities, Tool Subjects, and other matters of interest to teachers. (Field Enterprises, Inc.)

8. *Posture Posters* set of 5 — designed for use in the classroom to illustrate the principles of healthful posture. (American Seating Company)

19. *Request Card* for a copy of the

Teacher's Manual for the 30th Annual Standard School Broadcast Course, "Storyland of Music". (Standard Oil of California)

20. *Correlation Guide and Catalog: A listing of titles broken down by Unit Study Groupings and by Grade Reading Levels.* A quick reference. (Childrens Press)

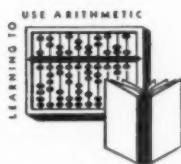
31. *Money Management Program.* Folder listing booklets and filmstrip lectures to help in teaching high school, college and adult students the basic principles for managing money effectively. (Money Management Institute of Household Finance Corporation)

34. *Leathercraft Catalog: A 66-page catalog of materials and equipment used in the making of purses, bill-folds, belts and other personal and household products.* (Tandy Leather Company)

39. *Worktext Catalog* lists Worktext, workbooks, teaching aids, texts, readers and library books. The fields covered are mathematics, science, reading, music, history, geography, industrial arts (drawing and shopwork), health, contains many types of achievement, evaluation, and objective tests for specific needs. 80 pages. (The Steck Company)

41. *Classroom Wall Charts: A set of three graded charts on railroads, 22"x34"* in color, file folded, with lesson plans.

Turn to page 26



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(from page 25)

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Turn to page 27



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Allied Organizations

(from page 15)

INDUSTRIAL ARTS: 8 A.M., Cafeteria, Pueblo High School, Joint breakfast. Following breakfast; Agriculture, Room 202, Distributive Education, Room 204, Industrial Arts, Room 216, Trades and Industries, Room 217, Business Education, Room 214.

MATHEMATICS TEACHERS: 9 A.M., Room NE 136, Catalina High School. Guest speaker, group participation, vote on amendment to the constitution, business session.

MUSIC EDUCATORS: Breakfast meeting—place to be decided. Meeting and banquet places to be decided.

SCIENCE TEACHERS: 9:30 A.M.-11:30 A.M., Luncheon 12 N.-2 P.M. Cafeteria, Pueblo High School. Afternoon meeting, 1-2 P.M., Room 209, Pueblo High School.

SECONDARY PRINCIPALS: 9:30 A.M., Catalina High School, Speaker, Business meeting.

SOCIAL STUDIES: 9 A.M., Place to be decided.

STATE LIBRARY: 9:30 A.M.-11 A.M., Brunch, Paulo's, 4915 E. Speedway.

STUDENT TEACHING: 9 A.M., SE Room 108, Catalina, Annual meeting.

SUPERVISION & CURRICULUM DEVELOPMENT: 6:30 P.M., Thursday Nov. 7th, Cafeteria, Catalina High School, Speaker and programs, Special meetings.

Special Groups

TENNIS COACHES: 2:30 P.M., Room 104, Catalina High School, Business meeting.

ASSOCIATION FOR CHILDHOOD EDUCATION: 8 A.M., Alice Vail Junior High School, 5350 E. 16th St., Planning meeting.

PI LAMBDA THETA: 8:30 A.M.-10 A.M. Home Making Rooms, Catalina High School, Coffee hour.

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Teachers Contract (from page 23)

that it will follow, within reasonable bounds, the trend of decisions in other states.

Conclusion: Both twins have good and binding contracts, because—a contract is not necessarily a piece of paper. It is a two-way obligation growing out of the relationship of the parties and operation of law; and from it spring dual rights and responsibilities for Board and teacher alike. And, to every teaching contract, there is a silent (?) "third party" whose rights are not legal but most worthy of consideration—a boy with a dirty face or a girl with freckles and a pony-tail—both full of life and eager to learn.

Yours For—

(from page 26)

indexed handbook (312 pages) of the Army's ten occupational areas, with related civilian jobs. Designed to help young people plan their careers. (Department of the Army)

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Look Ahead

(from page 18)

future increases in taxes and population. With such information in mind, we foresee that we as teachers must develop in the youth of today a character of highest quality and a determination to succeed. This can only be accomplished by professional people. Teaching the text material is only a part of the job. Are you doing the job half way? The forecast in population indeed shows us that ours will be an ever increasing world of competition — and to compete, we know that mere subject matter will not fill the bill. I have found in my relationships with teachers that many do a splendid job in the classroom with textbook work but are unable to guide or advise youth with its problems. They are often unable to diplomatically contact parents, and frequently fail to participate in community projects. We must be aware of and take advantage of every opportunity to build for the future.

Looking ahead, we must realize that we, too, must compete. We must become a strong profession, continue to grow, and never become *static*. We must overcome ignorance, indifference, prejudice, jealousy and carelessness. Build for tomorrow. **LOOK AHEAD!**

Is It True?

(from page 7)

that the basic ingredient of any — speech or poem is its contents."

Don't we start teaching the non-controversial skills when thought is dangerous? Don't we run our schools in the name of the glorious ceremonies of athletic competition? In any case, aren't we *avoiding* thought — critical thought when it is so needed by our young men and women. Because we are *afraid* to teach?

Special Groups

(from page 27)

ALPHA DELTA KAPPA, ALPHA & BETA CHAPTERS: 12:30 P.M., Luncheon. Place to be decided.

DELTA KAPPA GAMMA: 12 Noon, Cafeteria, Catalina High School.

DEPARTMENT MEETINGS

ARIZONA ASSOCIATION OF SCHOOL ADMINISTRATORS: 6 P.M., Friday, Dinner, Cafeteria, Tucson Senior High School.

DEPARTMENT OF CLASSROOM TEACHERS: 6 P.M., Friday, Dinner, Cafeteria, Student Building, University of Arizona.

TEACHERS . . .

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